

REMARKS

Claims 1-4 and 8-10 have been finally rejected under 35 U.S.C. Section 112, first paragraph, as not being enabling for all members of poxviridae. Claim 1 has been amended to recite only that the furanose compounds are active against vaccinia virus, support for which is found in the specification as filed, *inter alia*, in Table 2 where Compound A9 shows efficacy in treating vaccinia virus.

The Examiner states in the last full paragraph on page 2 of the previous Office Action that the specification is “enabling for certain furanose compounds to treat herpesviridae” and in the last full paragraph of page 5 of the Office Action, the Examiner states that “applicant should limit claims to what has support in the specification – furanose compounds to treat herpesviridae viruses.” Claim 3 has been amended so that it recites specifically the herpesviridae virus human cytomegalovirus to be treated by Compound A9, which Table 2 shows was active against human cytomegalovirus and vaccinia virus. Claim 4 has been amended so that it recites the families of Compounds A2, A3, and A5, which Table 2 shows were active against human cytomegalovirus. Claim 13 is dependent on claim 4 and was added to recite specifically Compounds A2 and A3. Claim 14 is dependent on claim 4 and was added to recite specifically Compound A5.

Each of these amendments to the claims is made in an effort to put the application into condition for allowance following, as best understood, the comments of the Examiner with regard to allowable subject matter. Claims 8-10 have been canceled. Reconsideration and withdrawal of the Section 112 rejection is respectfully requested.

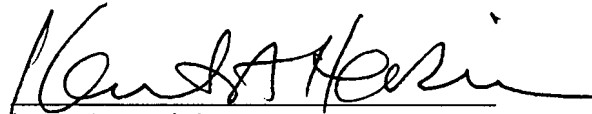
Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching which would lead one skilled in the relevant art to combine the references in a manner which would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully submits that the claimed invention, as amended, patentably distinguishes over the prior art, including the art cited merely of record.

Based on the foregoing, Applicant respectfully submits that its claims 1-4 and 13-14 are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

Date: 11 April 2007



Kent A. Herink
Registration No. 31,025
DAVIS, BROWN, KOEHN,
SHORS & ROBERTS, P.C.
666 Walnut St., Suite 2500
Des Moines, Iowa 50309
Telephone: (515) 288-2500

ATTORNEYS FOR APPLICANT